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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,083	11/06/2003	Heinz Focke	Q78287	8033

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EXAMINER
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MUSSER, BARBARA J

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

10/702,083

**Applicant(s)**

FOCKE ET AL.

**Examiner**

Barbara J. Musser

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 8-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/5/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-7, drawn to a method of making a folded coupon, classified in class 156, subclass 227.

II. Claims 8-14, drawn to a apparatus for making a folded coupon, classified in class 156, subclass 356.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process can be practiced by a different apparatus such as one that does not contain a printed mark reader which controls the adhesive application.

3. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with John Mion on 2/28 a provisional election was made without traverse to prosecute the invention of group I, claims 1-7. Affirmation of this election must be made by applicant in replying to this Office action. Claims 8-14 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is unclear what is meant by folding coupons in line 2. For the purposes of examination, this is considered to mean any printed paper.

Regarding claim 2, it is unclear what is meant by the adhesive being applied during the production of the material web as claim 1 already requires it be applied while the web is continuous. It is unclear if this means the adhesive is applied during the paper-making process or if it means the adhesive is applied in the same process as the printing. It is unclear what is meant by the glue being made available to a packaging machine. For the purposes of examination, this is considered to mean that the folded carriers are supplied to a packaging machine.

Regarding claim 3, it is unclear what is meant by two-web production as there are not two webs in the process. For the purposes of examination, this is assumed to mean that the carrier is twice as wide as necessary to form one coupon so that two coupons located adjacent each other are formed.

Regarding claim 4, it is unclear what is meant by a double layered web. It is unclear if this can mean two webs which are placed on top of each other or a web which becomes two layers as a result of the folding of the web as indicated in the specification[0042] though Figure 11 does not show a fold connecting the double layers. For the purposes of examination, this is considered to mean a coupon which has the appearance of Figure 11.

Regarding claim 6, it is unclear what is meant by the non-folded material web. For the purposes of examination, this is considered to mean the web before it is folded.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Brown(U.S. Patent 4,883,220).

Brown discloses a method of making a folded printed carrier by applying hot-melt adhesive(30,32,34,36,38) to regions of a continuous web, cutting blanks from the web,

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folding them along fold lines(18), and then applying heat and pressure to activate the adhesive.(Col. 3, ll. 17-68)

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vijuk(U.S. Patent 4,817,931) in view of Brown.

Vijuk discloses a method of making printed folded carriers wherein a sheet of printed material is folded, and a hot-melt adhesive is applied.(Col. 3, ll. 30-36; Col. 4, ll. 3-5; Col. 7, ll. 1) The reference does not disclose providing a continuous web to which the hot melt adhesive is applied, cutting the web, then folding, and activating the adhesive. Brown discloses a method of making printed material wherein hot-melt adhesive is applied to regions of a continuous web, blanks are cut from the web which are then folded, and then applying heat and pressure to activate the adhesive.(Col. 3, ll. 17-68) It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a continuous web as taught by Brown since this would make printing easier and to apply the adhesive to the continuous web and activate it after the cutting and folding since this is an obvious alternative to applying the adhesive after the folding as taught by Brown(Col. 3, ll. 17-68) and since it would be easier to apply adhesive to a continuous web precisely than to discrete articles.

Regarding claim 2, Vijuk discloses the carriers are intended for use with pharmaceutical products with which they are packaged.(Col. 1, ll. 15-19) This would have suggested to one in the art that they be fed to a packaging device since they are intended to be packaged with medicines.

12. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vijuk '931 in view of Brown and Vijuk(U.S. Patent 4,812,195).

Vijuk '931 discloses a method of making printed folded carriers wherein a sheet of printed material is folded, and a hot-melt adhesive is applied.(Col. 3, ll. 30-36; Col. 4, ll. 3-5; Col. 7, ll. 1) The reference does not disclose providing a continuous web to which the hot melt adhesive is applied, cutting the web, then folding, and activating the adhesive. Brown discloses a method of making printed material wherein hot-melt adhesive is applied to regions of a continuous web, blanks are cut from the web which are then folded, and then applying heat and pressure to activate the adhesive.(Col. 3, ll. 17-68) Vijuk '195 discloses that using pre-cut webs can allow sheets to be mixed so that incorrect instructions end up with medications.(Col. 1, ll. 26-30) It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a continuous web as taught by Brown and Vijuk '195 since this would prevent inadvertently placing the wrong directions with a medication as taught by Vijuk '195(Col. 1, ll. 26-30) and to apply the adhesive to the continuous web and activate it after the cutting and folding since this is an obvious alternative to applying the adhesive after the folding as taught by Brown(Col. 3, ll. 17-68) and since it would be easier to apply adhesive to a continuous web precisely than to discrete articles.

Regarding claim 2, Vijuk '931 discloses the carriers are intended for use with pharmaceutical products with which they are packaged.(Col. 1, ll. 15-19) This would have suggested to one in the art that they be fed to a packaging device since they are intended to be packaged with medicines.

Regarding claim 3, Vijuk '195 discloses a method of making multiple carriers which are adjacent each other by cutting a continuous web transversely, folding it, and then cutting it longitudinally into multiple carriers.(Figure 1; Col. 3, ll. 40-57) It would have been obvious to one of ordinary skill in the art at the time the invention was made to make multiple carriers adjacent each other since this would allow move carriers to be made at the same time as shown by Vijuk '195.(Figure 1) It is noted that Vijuk '195 discloses multiple adhesive applicators(45) for the multiple carriers.

Regarding claim 4, while the reference do not disclose using a double width and double layered web, Vijuk '195 discloses a double width web.(Col. 3, ll. 54-57) Vijuk '931 discloses an individual carrier can be folded lengthwise, making a double layered web, prior to being folded widthwise. It would have been obvious to one of ordinary skill in the art at the time the invention was made to fold the double width carrier longitudinally so that the edges meet in the center to make a double layered web since Vijuk '931 discloses the carriers can be folded in two directions to make a double layered web and since this would allow formation of two adjacent double layered carriers and to perform this folding while the web is continuous since longitudinally folding a continuous web is simple.



Regarding claim 5, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow a small space between the folded longitudinal sides so that the edges would not be cut off accidentally.

Regarding claim 6, while the references only show one adhesive location per carrier, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply adhesive at a second location on the carrier to bond some of the interior folds together so that the carrier does not inadvertently open.

Regarding claim 7, when applying multiple adhesive drops to a carrier, one in the art would appreciate that the adhesive drops could be on either the same side of the carrier or different sides. Only the expected results would be achieved.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara J. Musser whose telephone number is (571) 272-1222. The examiner can normally be reached on Monday-Thursday; alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571)-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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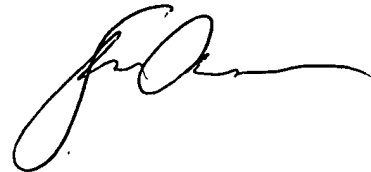
published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

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BJM



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